

PHILLIP A. TALBERT
United States Attorney
KIMBERLY A. SANCHEZ
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERARDO PEREZ,

Defendant.

CASE NO. 1:21-CR-00185-JLT-BAM

STIPULATION TO VACATE STATUS
CONFERENCE DATE, SET THE MATTER FOR A
CHANGE OF PLEA, AND EXCLUDE TIME
PERIODS UNDER THE SPEEDY TRIAL ACT;
ORDER

DATE: January 24, 2024
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on January 24, 2024.
2. On January 8, 2024, the Court issued a Minute Order (Dkt. 106) directing the parties to be prepared to set a trial date at the status conference. However, the parties request the Court allow them to stipulate to and request a change of plea date of April 22, 2024 before the Honorable Jennifer L. Thurston.
3. Based on the above-stated findings, the ends of justice served by continuing the case for a change of plea as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
4. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,

within which trial must commence, the time period of January 24, 2024 to April 22, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

5. The parties agree and stipulate, and request that the Court find the following:

a) The government represents that the discovery associated with this case has been provided. The government is aware of its ongoing discovery obligations.

b) The parties anticipate the defendant entering a change of plea on April 22, 2024.

6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 17, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ KIMBERLY A. SANCHEZ
KIMBERLY A. SANCHEZ
Assistant United States Attorney

Dated: January 17, 2024

/s/ KEVIN ROONEY
KEVIN ROONEY
Counsel for Defendant
GERARDO PEREZ

ORDER

IT IS SO ORDERED that the status conference set for January 24, 2024, is vacated. A change of plea hearing is set for **April 22, 2024, at 9:00 a.m. in Courtroom 4 before the District Judge Jennifer L. Thurston.** Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **January 18, 2024**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE